IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.R. No.4746 of 2006
Date of Decision:- 22.09.2006

The Editer-in-Chief,
Divya Himachal & anr. ....Petitioners

through
Mr.V.B.Aggarwal, Advocate

vs.

Veer Vikram Aditya ....Respondent

through
Mr.Sumit Batra, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

This revision petition is directed by the Management against the order dated 30.8.2006 passed by the Industrial Tribunal-cum-Labour Court, U.T., Chandigarh whereby the evidence of the Management has been closed by order.

The respondent-workman has raised an "industrial dispute", which has been referred to the Industrial Tribunal-cum-Labour Court, Chandigarh for adjudication. The workman has already led his entire evidence. As mentioned in the impugned order, numerous opportunities have been granted to the petitioner-management to lead its evidence.

On 14.10.2004, one of its witnesses, namely, M.W-2 B.R.Jaitley appeared and his examination-in-chief as well as cross-examination in part was recorded. The proceedings were deferred for his

further cross-examination. The impugned order reveals that seven opportunities were given but the said witness did not turn up for his further cross-examination. It was in these circumstances that the learned Presiding Officer closed the Management's evidence by order.

Aggrieved, the Management has preferred this revision petition.

Notice of motion was issued and in response thereto the respondent-workman has put in appearance.

Learned counsel for the petitioners fairly states that though there has been some delay on the part of the Management for not producing its entire evidence in time, however, the delay on its part was not intentional or deliberate. It is contended that Mr.B.R.Jaitley-MW-2 could not be produced for further cross-examination for reasons beyond the control of the Management, which are explained in the revision petition.

Mr.Aggarwal, learned counsel for the petitioner-Management further submits that only one opportunity may be granted to the Management to conclude its evidence.

On the other hand, learned counsel for the respondent-workman contends that the Management has adopted delaying tactics, therefore, no interference by this Court is warranted.

After hearing learned counsel for the parties and having regard to the stand taken on behalf of the petitioner-Management that it shall conclude its entire evidence if only one opportunity is granted and since the respondent-workman can be suitably compensated if such an opportunity is granted to the petitioners, this revision petition is allowed. The impugned order dated 30.8.2006 is set aside and it is directed that the petitioner-

Management shall produce its entire evidence before the Industrial Tribunal-cum-Labour Court, Chandigarh on the date already fixed i.e. 12.10.2006. It is made clear that not more than one opportunity shall be granted to the petitioner. The aforesaid opportunity shall be granted subject to the further condition that the petitioner-Management shall pay cost of Rs.5,000/- to the respondent-workman.

Disposed of.

September 22, 2006 **(SURYA KANT)**
poonam **JUDGE**